

REAL ESTATE REGULATORY AUTHORITY, BIHAR
Before the Double Bench of Mr Naveen Verma, Chairman, & Mrs Nupur
Banerjee, Member

Case No. :- RERA/CC/722/2019

Kumar Satish Singh.....Complainant

Vs

M/s Agrani Homes Pvt. LtdRespondent

Project : Agrani Sapphire

05/05/2022

Order

The matter was posted for orders on 10-03-2022. However, due to other preoccupation, the Bench did not sit on that date and orders could not be pronounced.

The case of the complainant is that he booked flat no. 304(3 BHK flat) admeasuring 1450 sq.ft on 3rd floor in block-“B” of the Project “Agrani Sapphire” for total consideration of Rs.20,50,000 (Twenty lakh Fifty Thousand Only) on 20th March 2017. MOU was executed on 2nd January 2018 according to which the complainant has paid Rs.17,60,510 (Seventeen Lakh Sixty Thousand Five Hundred Ten Only) along with applicable taxes of Rs. 1,39,490 (One Lakh Thirty Nine Thousand Four Hundred Ninety Only) totalling **Rs. 19,00,000** (Nineteen Lakh Only). However, due to delay in project the complainant has filed the present case for refund of the amount paid along with interest on it.

The complainant has placed on record M.O.U dated 2/01/2018, KYC dated 20/03/2017, receipt dated 05/11/2017 for Rs.6,00,000, receipt dated 15.09.2017 for Rs. 3,00,000, receipt dated 26/04/2017 for Rs. 5,00,000, receipt dated 23/05/2017 for Rs. 3,00,000, receipt dated 29/03/2017 for Rs.2,00,000 only.

During the hearing held on 23.08.2021 the Authority had observed that Mr. Alok Kumar, MD of the respondent company had himself withdrawn from the said project and also expressed his inability to complete the project but he is ready to hand -over the project to another builder who will complete the said project and give either flat to the complainants or refund the amount. However, the respondent has not filed any reply despite specific directions on 01.02.2022.

The Authority, therefore ,imposes a penalty of Rs 5000/- to be paid by the promoter within two weeks for not complying with its directions.

The Authority notes that the complainant has reiterated his request for refund of principal along with interest.

The Authority observes that it is the responsibility of the promoter to arrange the necessary resources to make refunds to allottees. The Bench hereby directs the respondent company and their Directors to refund the amount paid by the complainant i.e. Rs. 19,00,000/- with interest at the rate of marginal cost of fund based lending rates (MCLR) of State Bank of India as applicable for three years from the date of taking the booking till the date of refund within sixty days of issue of this order.

With these directions and observations, the matter is disposed of.

Sd/-
Nupur Banerjee
(Member)

Sd/-
Naveen Verma
(Chairman)